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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,302	06/23/2000	Allen B. Childress	5053-35700	1770
7590		04/04/2006		
Eric b Meyertons Conley Rose & Tayon PC P O Box 398 Austin, TX 78767-0398			EXAMINER BLECK, CAROLYN M	
			ART UNIT 3626	PAPER NUMBER

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/603,302

Applicant(s)

CHILDRESS, ALLEN B.

Examiner

Carolyn M. Bleck

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 1-6, 8-20, 22, 24-28, 43-48, 51-60, 62-68, 81-92, 94-99, 114, 115, 117, 122
- 4) ☒ Claim(s) 1-6 and 8-122 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-122 is/are rejected. (1-6, 8-20, 22, 24-28, 43-48, 51-60, 62-68, 81-92, 94-99, 114, 115, 117-122)
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed on 20 December 2005. Claims 7, 23, 49, 93, and 116 have been cancelled. Claims 1, 6, 13, 22, 24, 43, 48, 54, 64, 81, 88, 95, 114, 115, and 117 have been amended. Claims 118-122 are new. Claims 1-6, 8-20, 22, 24-28, 43-48, 51-60, 62-68, 81-92, 94-99, 114, 115, 1 17-122 are pending in the case.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20, 22-28, 43-49, 51-60, 62-68, 81-99, and 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. (5,655,085) in view of Brooks et al. (4,992,972), Borghesi et al. (5,950,169), and Vaidyanathan et al. (6,467,081), for substantially the same reasons given in the previous Office Action, and further in view of Livingston (6,452,607).

(A) Claims 1, 13, 24, 43, 54, 64, 81, 88, 95, 114, 115, and 117 have been amended to recite "wherein the first unit of help information for the first step comprises context

sensitive help for the first step, wherein the context sensitive help for the first step is automatically invoked and displayed on the display when the first step is initiated, wherein the first step is displayed on one portion of the display and the first unit of help information is displayed on another portion of the display.”

As per this limitation, Vaidyanathan discloses the help information relating to a first event, wherein the event is selecting a menu or icon (reads on “step”). Ryan, Brooks, Borghesi, and Vaidyanathan fail to expressly disclose “wherein the first unit of help information for the first step comprises context sensitive help for the first step, wherein the context sensitive help for the first step is automatically invoked and displayed on the display when the first step is initiated, wherein the first step is displayed on one portion of the display and the first unit of help information is displayed on another portion of the display.”

Livingston discloses these features:

“According to principles of the present invention in a preferred embodiment, a help feature for a user interface includes a help control, such as a graphical button, displayed adjacent to a control option of the user interface. The help control references the control option for obtaining help information about the control option. According to further principles, the help control is displayed, and remains displayed, in response to a detected noteworthy status of the control option (reads on “first step”). Specifically, the help control is displayed automatically, without user interaction, in the event the control option is disabled and noteworthy. Alternatively, the control option is displayed in the event it is enabled and noteworthy. Also, preferably, the help control is

Art Unit: 3626

displayed non-intrusively relative to other elements of the user interface (reads on “displayed on one portion of the display and the first unit of help information is displayed on another portion of the display”). Importantly, when the help control is selected by the user, context-sensitive help information is displayed describing, respectively, why the control option is disabled or why it is enabled and noteworthy (col. 2 lines 30-47).”

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Livingston within the method taught collectively by Ryan, Brooks, Borghesi, and Vaidyanathan with the motivation of actively providing the user with context-sensitive help information (Livingston; col. 1 lines 55-63).

(B) Claims 6, 22, and 48 have been amended to recite “a text table, wherein units of help information in the text table include text sections from the one or more documents; the method further comprising: determining a first relevance value for the first unit of help information read from the first help information entry for the first step; and determining a second relevance value for the second unit of help information read from the second help information entry for the first step; wherein the first unit of help information and the second unit of help information are displayed in order of their relevance values and wherein in determining at least one of the first or second relevance values, a header relevance value is adjusted such that occurrences in the headers are more relevant than occurrences in the text sections.”

Art Unit: 3626

Brooks discloses sorting module names into an ordered list sequenced according to how many times its TOPIC was accessed in the topic table (col. 10 lines 17-36).

Brooks discloses a help area entry containing a location LOC and a name NAME, wherein the name corresponds to the name of a particular help module in a help object (Fig. 4 and col. 6 lines 31-35), wherein the area actually used for a given cursor location is found by searching a list of entries in order, and designating the first entry whose LOCation includes the actual position of the cursor as the LOC. Furthermore, each help module is associated with help text mapped to the cursor text and displayed in a display screen (see Abstract, Fig. 4 # 416-417, 420, and 440-441, and col. 10 line 48 to col. 12 line 8).

The motivation for combining Brooks within Ryan is given above in claim 1.

(C) As per claim 122, Livingston discloses providing context sensitive help for steps (col. 2 lines 30-47).

(D) The remaining claims have not been amended, and are therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

4. Claims 120 and 121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. (5,655,085) in view of Brooks et al. (4,992,972), Borghesi et al. (5,950,169), and Vaidyanathan et al. (6,467,081), for substantially the same reasons

Art Unit: 3626

given in the previous Office Action, and further in view of Livingston (6,452,607) and Baldwin et al. (5,877,757).

(A) As per claim 120, Baldwin discloses displaying a location of an occurrence of the first unit of help information in one or more documents (Abstract; col. 4 lines 21-42, col. 10 line 52 to col. 11 line 4). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Baldwin within the method of Ryan, Brooks, Borghesi, Vaidyanathan, and Livingston with the motivation of allowing help data to be readily and efficiently accessed by a user during a network navigation session (Baldwin; col. 4 lines 16-21).

(B) As per claim 121, Baldwin discloses displaying on the display a location of an occurrence of the first unit of help information in one or more documents, wherein the location is displayed as a chapter hierarchy of at least one of the documents in which the occurrence is found (Abstract; col. 4 lines 21-42, col. 10 line 52 to col. 11 line 4).

5. Claims 114-115 and 117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. (5,655,085) in view of Brooks et al. (4,992,972), Borghesi et al. (5,950,169), and Vaidyanathan et al. (6,467,081), as applied to claim 1, and further in view of Kaufman (6,240,408), for substantially the same reasons given in the previous Office Action, and further in view of Livingston (6,452,607).

Art Unit: 3626

(A) Claims 114, 115, and 117 have been amended to recite “wherein the first unit of help information for the first step comprises context sensitive help for the first step, wherein the context sensitive help for the first step is automatically invoked and displayed on the display when the first step is initiated, wherein the first step is displayed on one portion of the display and the first unit of help information is displayed on another portion of the display.”

As per this limitation, Vaidyanathan discloses the help information relating to a first event, wherein the event is selecting a menu or icon (reads on “step”). Ryan, Brooks, Borghesi, and Vaidyanathan fail to expressly disclose “wherein the first unit of help information for the first step comprises context sensitive help for the first step, wherein the context sensitive help for the first step is automatically invoked and displayed on the display when the first step is initiated, wherein the first step is displayed on one portion of the display and the first unit of help information is displayed on another portion of the display.”

Livingston discloses these features:

“According to principles of the present invention in a preferred embodiment, a help feature for a user interface includes a help control, such as a graphical button, displayed adjacent to a control option of the user interface. The help control references the control option for obtaining help information about the control option. According to further principles, the help control is displayed, and remains displayed, in response to a detected noteworthy status of the control option (reads on “first step”). Specifically, the help control is displayed automatically, without user interaction, in the

Art Unit: 3626

event the control option is disabled and noteworthy. Alternatively, the control option is displayed in the event it is enabled and noteworthy. Also, preferably, the help control is displayed non-intrusively relative to other elements of the user interface (reads on “displayed on one portion of the display and the first unit of help information is displayed on another portion of the display”). Importantly, when the help control is selected by the user, context-sensitive help information is displayed describing, respectively, why the control option is disabled or why it is enabled and noteworthy (col. 2 lines 30-47).”

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Livingston within the method taught collectively by Ryan, Brooks, Borghesi, Vaidyanathan, and Kaufman with the motivation of actively providing the user with context-sensitive help information (Livingston; col. 1 lines 55-63).

(B) As per claim 118, Kaufman discloses wherein the first and second relevance values comprise relevance values for occurrences headers and relevance values for text sections (see “position of sentence within the document”), wherein the weight or scaling factors for the first and second relevance values are such that the relevance values for the headers are always at least as high as the relevance values for the text sections (col. 10 lines 11-67).

(C) As per claim 119, wherein the first and second relevance values comprise relevance values for occurrences headers and relevance values for text sections, wherein the weight or scaling factors for the first and second relevance values are such that the minimum relevance values for the headers are the maximum relevance values for the text sections (col. 10 lines 11-67).

Response to Arguments

6. Applicant's arguments filed 20 December 2005 have been fully considered but they are not persuasive. Applicant's arguments will be addressed below in the order in which they appear in the response filed 20 December 2005.

(A) In response, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 20 December 2005 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Ryan, Brooks, Borghesi, and Vaidyanathan, Kaufman, Livingston, and/or Baldwin, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action, and incorporated herein. It is noted that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, it is respectfully submitted that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3626

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Bleck whose telephone number is (571) 272-6767. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm, and from 8:30am – 5:00pm on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached at (571) 272-6776.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(571) 273-8300 [Official communications]

(571) 273-8300 [After Final communications labeled "Box AF"]

Art Unit: 3626


(571) 273-6767

[Informal/ Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand-delivered responses should be brought to the Knox Building, Alexandria, VA.

CB

March 29, 2006


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER